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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

LEGAL SUBCOMMITTEE

Thirtieth session

SUMMARY RECORD OF THE 542nd MEETING

Held at Headquarters, New York,
on Thursday, 28 March 1991, at 10.30 a.m.

Chairman: Mr. MIKULKA (Czechoslovakia)

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READEX FICHE

The meeting was called to order at 10.45 a.m.

PARTICIPATION OF NON-MEMBER STATES IN THE WORK OF THE SUBCOMMITTEE

1. The CHAIRMAN informed the Subcommittee that he had received a request from Ghana to attend its meetings. Since the granting of observer status was a matter for the Committee on the Peaceful Uses of Outer Space, the Subcommittee could not take an official decision on the matter, but he proposed authorizing the representative of Ghana to attend the formal meetings of the Subcommittee and to direct a request for the floor to the Chair if it wished to make a statement. If he heard no objection, he would take it that the Subcommittee decided to grant the request.

2. It was so decided.

GENERAL EXCHANGE OF VIEWS (continued)

3. Mr. KOPAL (Czechoslovakia) observed that, although the three points on the agenda of the Subcommittee were spelt out in identical terms from year to year, some changes had been made. The Subcommittee had begun by taking up the item relating to the definition and delimitation of outer space and to the geostationary orbit. His delegation believed that innovations should not be limited to a change of order in the agenda items, but that a new approach should also be encouraged that would successfully conclude their consideration.

4. The need for an innovative approach was particularly valid in connection with the definition and delimitation of outer space, a question that had been debated since the negotiations on the 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies. During the succeeding years, many arguments had been advanced for or against the definition and delimitation and on the advantages and disadvantages of the different criteria on which such a definition and delimitation should or should not be based. A number of specific proposals had also been presented and discussed, and yet there seemed to be no possibility of reaching a reasonable and mutually acceptable solution of the issue.

5. It might perhaps be useful to consider the matter from a new point of view: whether such a definition was really necessary in the light of the specific conditions under which current and planned space projects were carried out. At the Subcommittee's last session, there had been some signs of that new approach, particularly in paragraphs 9 and 10 of the report of the Chairman of the Working Group on Agenda Item 4 (A/AC.105/457, annex II). The view had been expressed that currently, assisted by rocket power, air vehicles could reach 100 kilometres for brief periods, while the perigee of the orbit of some space vehicles had been as low as 90 kilometres. In that connection, the view was expressed that an orbiting space object should not become subject to airspace law merely because it dipped below a certain line during its flight, and, likewise, an aircraft should not become subject to outer space

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law merely because it might travel for a certain period above that line during its flight.

6. The second new point was the appearance of aerospace vehicles. Some delegations felt that the Subcommittee could commence a preliminary exchange of views on the international legal problems connected with the anticipated flights of aerospace systems. In the opinion of some delegations, particularly the Soviet delegation which had made an earlier statement on the matter, such an exchange of views would lead to a better understanding as to the advisability and feasibility of elaborating in the future international legal norms and principles regulating the use of aerospace systems. Czechoslovakia believed that there was merit in that suggestion, for aerospace vehicles had already become a target of research and development in a number of countries. Such an exchange of views might also shed new light on the problem of the definition and delimitation of outer space and perhaps either justify or invalidate the need for such a definition. It should be noted that an international colloquium on the subject would be convened in Paris in 1991.

7. The next stage in the study of space law should be from the viewpoint of the coexistence of aeronautics and astronautics, namely, of the relations between airspace law and outer space law.

8. As to the geostationary orbit, it was an important, and probably the most precious, part of the outer space surrounding the planet Earth, and the legal regime governing the geostationary orbit must ensure its rational and equitable use for the benefit of all nations of the globe. That regime, though it might have certain peculiarities, must be based on the general legal status of outer space as reflected in the 1967 Outer Space Treaty and other relevant instruments. Czechoslovakia welcomed the work done in that respect by the International Telecommunication Union (ITU), particularly during the 1985 and 1988 sessions of the World Administrative Radio Conference on the Use of the Geostationary Satellite Orbit, at which a practical mechanism for ensuring the access of all countries to the benefits of the orbit had been adopted. The thirtieth ITU report on telecommunication and the peaceful uses of outer space offered a concise picture of the significant activities of ITU in the area of space services, which deserved the Subcommittee's full support.

9. His delegation was ready to take into consideration the needs of developing countries which did not yet possess the scientific, technological and economic means to utilize the geostationary orbit or could do so only to a limited extent, and also to recognize the need to give due regard to the particular geographical situation of some developing countries. The best way to proceed with further consideration of the issue would be to concentrate on the elaboration of elements on which general agreement was likely, which meant continuing to work on the elements on which discussion had already started at previous sessions of the Subcommittee.

10. His delegation welcomed the establishment of the Working Group on Agenda Item 5 relating to the benefits of the exploration and utilization of outer

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space, and looked forward to participating in its discussions. The Working Group already had at its disposal a number of valuable materials that could serve as a basis for a meaningful exchange of views. His delegation, in its statement on the matter at the previous session of the Subcommittee, had emphasized that the consideration of that point might lead to the elaboration of the legal content and implications of the fundamental principle of the 1967 Outer Space Treaty according to which space activities should be carried out for the benefit and in the interests of all States and should be the province of all mankind. His delegation also felt that the consideration of the item should lead to a strengthening and expansion of international cooperation in the exploration and peaceful uses of outer space, in accordance with article XI of the 1967 Outer Space Treaty. The specific areas and specific forms in which international cooperation could be developed might be identified. Certainly, all those questions should be considered in the special light of the needs of developing countries, to which Czechoslovakia was ready to give the most careful attention.

11. Lastly, the elaboration of draft principles relevant to the use of nuclear power sources in outer space was well advanced, particularly since the adoption of principle 3 on guidelines and criteria for safe use. Most delegations in the Subcommittee had welcomed that step forward and the further progress made at the June 1990 session of the plenary Committee. There had been reason to believe, therefore, that the momentum would be maintained and that the elaboration of the principles relevant to the use of nuclear power sources might soon have been completed. Under the circumstances, Czechoslovakia had read with some surprise the new working paper submitted by the United States of America to the twenty-eighth session of the Scientific and Technical Subcommittee. While appreciating its constructive spirit, and noting that most of the amendments suggested had to do with questions of detail or style, his delegation nevertheless pointed out that the amendment to paragraph 3.2 of annex I of the Legal Subcommittee's 1990 report was substantive and should be studied further in the Working Group. It was, in fact, up to the Working Group itself to decide when and how those new suggestions should be considered. However, like the representative of Japan, he believed that the Subcommittee should first carry on with its consideration of the outstanding issues relating to the draft principles and return later to suggested amendments of texts already discussed and adopted, during the final review of the draft principles that had been scheduled in any case.

12. Mr. PERRI (Brazil) recalled the days when the signatories of the 1967 Treaty had decided to reserve space for peaceful purposes and make it a field for exploration and cooperation for the benefit and in the interest of all States. Since that time, rapid progress in space sciences and technologies - and their many applications in areas critical to social and economic development - had transformed space into an integral part of the environment, but had also served to widen the gap between nations. Tangible expression must therefore be given to the principles enshrined in the 1967 Treaty, in particular article 1, by outlining general principles and the practical means for cooperation among all States in achieving of common ends in space.

(Mr. Perri, Brazil)

13. Anxious to remove any risk of an uncontrolled re-entry into the atmosphere of a space object carrying a nuclear power source (NPS) on board, his delegation had, on many occasions, reaffirmed its interest in the development of principles embodying the strictest precautionary standards. In that regard, the draft principles relevant to the use of NPS in outer space established an acceptable level of safe use. It was to be hoped that the professed intention of the Scientific and Technical Subcommittee to consider more thoroughly the guidelines and criteria for safe use would not slow the progress of the Legal Subcommittee on the draft principles, particularly on outstanding issues such as notification and the publication of a safety assessment. Those two questions were different in nature and they should be dealt with separately. His delegation was prepared to consider new language as long as there was a clear-cut obligation to give notification of the launching of a space object with an NPS on board, so that interested States could take all the necessary precautionary measures. Like the Chinese delegation, his delegation considered that the concept of the launching State emcompassed all parties participating in the launching. The question should be considered in the light of the principle of "responsibility".

14. In accordance with General Assembly resolution 45/72, and in order to be faithful to both the letter and the spirit of the treaties and principles governing the exploration of outer space, care must be taken to avoid transferring to space the patterns of resource use prevailing on Earth. That was certainly true of the use of the geostationary orbit. The 1967 Treaty, while clearly stipulating that space - and, by extension, that finite natural resource, the geostationary orbit - was "not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means", contained no provision on rational utilization and, in particular, on ensuring equitable access by all countries, bearing especially in mind the needs of developing countries. His delegation therefore believed that the Subcomittee, without prejudice to the role of ITU regarding the utilization of the orbit, must define and elaborate a specific legal regime for the orbit, with a view to regulating access, taking particularly into account the needs of developing countries.

15. Clearly, the question of space debris and the threat it posed to outer space activities and future space projects must be considered at a scientific and technical level within the parent Committee so as to help clarify all aspects and enhance international cooperation.

16. While agreeing with the procedural measures designed to utilize conference services more effectively, his delegation considered that political will to achieve concrete results was the real key to effectiveness.

17. The natural consequence of the aspirations to a new world order based on peace and cooperation - a current topic of discussion - should be a renewed commitment to the United Nations. The United Nations was predicated on the very ideals of peace and cooperation which the Committee on the Peaceful Uses of Outer Space, for its part, was striving to realize within the context of

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its specific mandate. The Legal Subcommittee, whose task it was to regulate the exploration and utilization of outer space, must function not only on the basis of current realities, but also in a forward-looking spirit, by outlining principles for avoiding conflict and strengthening cooperation in the peaceful uses of outer space.

18. Mr. TETU (Canada) stressed the importance his delegation attached to the successful outcome of work to draft principles governing the safe use of nuclear-power sources in outer space. The aim of the current session must be to complete work on the six outstanding principles so that they could be submitted to the parent Committee at its thirty-fourth session in June 1991 at the same time as those on which consensus had been reached earlier.

19. In so doing, the Subcommittee should maintain the practice it had followed in previous years, namely, not reopening the discussion of principles on which consensus had been achieved until it had completed work on the other principles. Only then would it be possible to consider the principles as a package and to attend to the final details, in particular, the points raised with respect to principle 3, on which consensus had none the less been reached the year before after long years of work - and on which his delegation was not prepared to reopen the discussion of the substance of the matter. In that connection, his delegation appreciated the support it had received from such countries as China, Germany, Japan, Nigeria and others.

20. The Soviet Union should submit a document on its proposal concerning aerospace vehicles so as to enable other delegations to decide whether or not the question belonged under the agenda item on the definition and delimitation of outer space.

21. Mr. BABAR (Pakistan) said that a clear legal definition and delimitation of outer space was both important and necessary. The question was fundamental to the whole corpus of international legal instruments on outer space, for it would clearly distinguish them from the legal regime governing national airspace. It was difficult to visualize an effective international legal regime on outer space in which the very concept of outer space was neither defined nor delimited. The undertaking was therefore a legal as well as a practical necessity.

22. His delegation had noted with particular interest the proposal put forward by the representative of the Soviet Union concerning aerospace flights. It looked forward to an elaboration of the idea, perhaps at the Subcommittee's thirtieth session, for it certainly contained useful ideas about which a serious and positive discussion could take place.

23. His delegation took the view that the geostationary orbit was a limited natural resource which must serve the interests of all mankind. His delegation wished to emphasize, in particular, the need for a legal regime which would guarantee the principles of equitable access to the orbit by all States, taking into account the special interests and existing limitations of

(Mr. Babar, Pakistan)

the developing countries. Suitable orbital positions must be reserved for Member States which submitted requests to that effect, taking into account their special needs, even if, for the time being, or in the near future, they did not have the resources necessary to place the satellite in their designated orbital position. Preferential treatment should be accorded to developing countries. The principle of "first-come, first-served" would amount to a total compromise of the interests of the developing countries inasmuch as they currently had neither the means to launch satellites themselves, nor the facilities to have them launched with the assistance of other countries.

24. His delegation welcomed the inclusion of a new agenda item on the principle according to which the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States, taking into particular account the needs of developing countries. In that context, in response to the request submitted by the Secretary-General pursuant to General Assembly resolution 44/46, his Government had identified three possible areas on which discussions could be initiated, an idea which it had put forward in document A/AC.105/C.2/16/Add.1. His delegation would return to the question in greater detail on another occasion but wished at the current stage to stress that it attached considerable importance to the issue.

25. The unchecked growth of space debris was of serious concern to the international community, as it was a problem liable to hamper space exploration and other peaceful uses of outer space. The possible collision of debris with spacecraft or NPS-carrying satellites would be catastrophic. Accordingly, there was a pressing need to find a solution in order to remove the debris from outer space and, in particular, the geostationary orbit. His delegation believed that the problem posed an unacceptable risk to the safety of human beings and material objects in space, and that the issue could be usefully discussed as an agenda item of the Subcommittee.

26. The very name of the Subcommittee, i.e., the Legal Subcommittee on the Peaceful Use of Outer Space, suggested that it was the proper forum in which a constructive dialogue could take place on the demilitarization of outer space and its exclusive designation for peaceful purposes. Outer space was the common heritage of mankind and must be utilized strictly to promote the scientific, economic and social development of the entire human race. In that connection, his delegation wished to reiterate its view that the 1967 Treaty on Outer Space, which prohibited the placing of nuclear weapons and other weapons of mass destruction in orbit around the Earth, must be strengthened and expanded in order to ensure that outer space would be used exclusively for peaceful purposes. Pakistan favoured the adoption of a comprehensive agreement to prevent an arms race in outer space, which should be negotiated together with supplementary or interim measures to promote the same objective. His delegation therefore shared the view that the topic could be constructively considered in the Subcommittee.

27. Mr. KHABIROV (Union of Soviet Socialist Republics) said it was unfortunate that a controversy had arisen over the question of the demilitarization of space and stressed that it had not been initiated by the Soviet delegation. His delegation was among those which had expressed strong support for the prevention of an arms race in outer space and a ban on the deployment of all types of weapons there. As an alternative to preparations for war in space, which threatened mankind's very existence, his delegation proposed the notion of "star peace". It was entirely logical and appropriate that the Soviet delegation should inform the Legal Subcommittee of its concern about the threat of the militarization of space. Indeed, the Committee and its Subcommittees had been established for the express purpose of considering questions related to the peaceful uses of outer space and were thus compelled to consider that central issue.

28. It was pointless merely to repeat that deliberations and negotiations on disarmament questions were within the exclusive competence of the Conference on Disarmament, especially if that statement was not supported by solid arguments. The position that the work of the Conference must not be disturbed might have been tenable had the Conference been able to claim any major successes; such was not the case, however. Having participated in the Conference, he could attest to the weeks, months and even years of fruitless debate on the organization of work or the definition of certain mandates, such as that of the Ad Hoc Committee on the prevention of an arms race in outer space, which characterized its proceedings. In contrast, the Committee and its Legal Subcommittee had considerable experience and extensive knowledge of the subject. One might recall in that connection the provisions of the 1967 Outer Space Treaty or the 1979 Agreement Governing the Activities of States on the Moon and Other Celestial Bodies, under which States parties undertook inter alia not to place in orbit around the Earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction. Those treaties also contained other articles directly relating to disarmament, which, being well known, need not be elaborated on.

29. As it had often stated, the Soviet Union believed that the efforts of the Committee, the Legal Subcommittee and the Conference on Disarmament were complementary. A convincing argument to that effect had been made by the representative of Chile, who had suggested that the Committee and the Conference should establish close contacts. The Committee would recall that it had decided at its preceding session to establish contacts and exchange information with the United Nations Conference on Environment and Development to be held in 1992. That decision had set a good example that should inspire the Legal Subcommittee to establish close relations with the Conference on Disarmament.

MATTERS RELATING TO THE DEFINITION AND DELIMITATION OF OUTER SPACE AND TO THE CHARACTER AND UTILIZATION OF THE GEOSTATIONARY ORBIT, INCLUDING CONSIDERATION OF WAYS AND MEANS TO ENSURE THE RATIONAL AND EQUITABLE USE OF THE GEOSTATIONARY ORBIT WITHOUT PREJUDICE TO THE ROLE OF THE INTERNATIONAL TELECOMMUNICATION UNION (continued)

30. Mr. ANDRADE (Brazil) said that a distinction should be made between the legal regime of airspace, which guaranteed the sovereignty of States over their territory, and the legal regime of outer space, which was characterized in the 1967 Outer Space Treaty as the province of all mankind. His delegation therefore welcomed the Soviet delegation's proposal concerning aerospace systems, which seemed to imply a relationship between those new transportation systems and the question of the delimitation of outer space; it also recommended that the use of aerospace systems above a certain altitude should be studied under that item.

31. The geostationary orbit, which was an integral part of outer space and therefore not subject to claims of sovereignty, was a finite resource which was in danger of being saturated. For that reason, his delegation had consistently maintained that the Legal Subcommittee should elaborate, without prejudice to the role of the International Telecommunication Union (ITU), a special legal regime to govern the use and exploration of the geostationary orbit, along the lines of the proposals put forward by Colombia.

32. Mr. KHABIROV (Union of Soviet Socialist Republics) said that the adoption of a legal instrument defining the status of the geostationary orbit was essential. The Soviet Union believed that the use of the geostationary orbit by States must be governed by international law. The adoption of an appropriate legal instrument would further the development of international cooperation for effective use of the orbit and might forestall potential disputes over such use. Most of the members of the Subcommittee already agreed on a number of crucial points relating to the orbit. All of those delegations took due account, as did the Soviet delegation, of the phenomenon of the geostationary orbit and of its unique characteristics, which were of importance in such fields as space telecommunications, television, monitoring and meteorology. Those delegations also joined the Soviet delegation in recognizing that the orbit was a limited natural resource that must be used economically, efficiently and rationally for the benefit of all States, and that various countries and groups of countries must be guaranteed equitable access to the orbit according to their needs and the technical facilities at their disposal. Thus a certain foundation on which a legal regime governing the orbit could be elaborated already existed. His delegation believed it was possible to take the practical needs of developing countries and the particular geographical situation of certain countries into account. Moreover, those principles had been laid down in article 33 of the ITU Convention.

33. The part of outer space where the geostationary orbit was located was an integral part of outer space as a whole, and all of the relevant provisions of

(Mr. Khabirov, USSR)

the 1967 Outer Space Treaty applied to it. It followed that the placement of geostationary satellites in outer space did not confer upon States any right of ownership with respect to the position of those satellites or to any part of outer space.

34. The Soviet Union did not agree with those who sought to obtain exclusive rights to the sectors of the geostationary orbit they used because, in its opinion, such an approach was devoid of any legal basis and did not serve the interests of the world community as a whole. Nor did it agree with those who rejected the idea of elaborating a legal regime governing the use of the geostationary orbit. His delegation believed that both of those extremes should be avoided and that efforts should be concentrated on the search for mutually acceptable solutions based on the norms of international law. It invited all the parties concerned to take a realistic and constructive approach to the question.

35. Mr. YOUNG (United Kingdom), endorsing the views expressed by the representatives of China, Japan, Germany and the United States of America, said he saw no need for a delimitation of outer space. Just as it was impossible to establish scientifically the precise upper boundary of outer space, so also was it impracticable to establish specifically a universally agreed boundary between the Earth's exosphere and outer space. Although many scientific and technological advances had been made since the time of Yuri Gagarin's historic flight, whose anniversary happily coincided with the final day of the Legal Subcommittee's session, there were no scientific or legal considerations which necessitated the establishment of a boundary separating territorial airspace from the province of all mankind.

36. With respect to trans-atmospheric vehicles, his delegation supported the views expressed by the representatives of France, Germany and the United States, who had asserted the difficulty of agreeing to a proposal without having a precise understanding of what it portended. Although several nations were studying the issue and a number of concepts had been developed, not enough was known about the probable or possible mission profiles of such vehicles to justify consideration of the matter in the foreseeable future.

37. Regarding the geostationary orbit, his delegation was entirely in agreement with the views expressed by the representative of Germany. The International Telecommunication Union had been and continued to be signally successful in ensuring the efficient management of the orbit and of the radio frequency spectrum. No legislative lacuna existed in that respect. Other issues, however, such as nuclear-power sources, required immediate attention. More time could and should be devoted to them.

38. Mr. SATOH (Japan) said that he appreciated the Soviet delegation's efforts to foster an active exchange of views on the agenda item under consideration. However, he supported the view expressed by the representatives of France, Germany, the United Kingdom and the United States with respect to the procedure to be adopted. The Subcommittee's mandate was

(Mr. Satoh, Japan)

to consider all legal matters relating to the definition and delimitation of outer space, and all delegations had the right to present ideas, proposals, working papers, etc. for the Subcommittee's consideration without having to obtain its prior consent. Until a working paper had been presented, it was difficult if not impossible for delegations to agree to discuss the points that might be raised in the paper. If the Soviet delegation feared that its working paper on aerospace systems would not receive proper consideration, the Japanese delegation could only say, speaking figuratively, that, while it was willing to go to a Russian restaurant, with all due appreciation for Russian cuisine, it preferred to consult the menu before sitting down to eat.

39. Mr. MARTINSEN (Argentina) said that his country had always supported the idea that the boundary between airspace and outer space should be defined in a convention. Some members of the Subcommittee argued that the lack of a delimitation of outer space had not posed any practical problems to date. That viewpoint reflected an approach which limited the function of law to the establishment of norms in order to solve existing problems. He believed, however, that law should also concern itself with problems that could arise in the future.

40. The geostationary orbit, which was an integral part of outer space and was therefore not subject to any claim of sovereignty, was a limited natural resource that should be used rationally and equitably. The task of regulating such utilization could be assumed by the International Telecommunication Union (ITU) after the Subcommittee had defined the fundamental principles governing the assignment of orbital positions.

41. Mr. HE Qizhi (China) said that the issue of the geostationary orbit involved the basic problem of the respective competences of the International Telecommunication Union and the Committee on the Peaceful Uses of Outer Space, and of the relations between those two bodies; both bodies were entitled to discuss the issue, and their roles should not be regarded as conflicting but, rather, as complementary. Moreover, the issue had implications beyond the field of communication satellites, with which ITU was essentially concerned. There were other foreseeable uses of the geostationary orbit, such as in the field of solar energy. Those other uses were an area in which the Committee had a role to play, since they came under a mandate which was broader than that of ITU. Any decisions concerning their future regulation should be taken by the Committee. His delegation hoped that other delegations would participate in the debate on that item and that positive results could be achieved.

42. Mr. HERNANDEZ BASAVE (Mexico) said that the need to establish a boundary between airspace and outer space had existed since the beginning of the space age, 30 years earlier, and that despite the current disagreement on the urgency of the matter, no one denied the importance of settling the issue. Moreover, the ongoing advancement of space science and technology presaged the use of aerospace systems in the near future, which would pose various legal

(Mr. Hernandez Basave, Mexico)

problems. His delegation joined the vast majority of delegations in supporting the Soviet proposal to discuss, in the context of the definition and delimitation of outer space, legal problems relating to aerospace systems. Mexico called upon the remaining delegations to accept the proposal in order to expedite progress on the subject.

43. With respect to the geostationary orbit, he recalled the position taken by his delegation at the beginning of the general debate: the behaviour of satellites placed in the geostationary orbit justified the elaboration of a special legal regime that would guarantee rational, efficient and equitable use of the orbit, as well as access for all States, on an equitable basis, to that limited natural resource.

44. Mr. KHABIROV (Union of Soviet Socialist Republics) said that the Soviet Union had made the proposal to consider the legal aspects of the use of aerospace systems in a spirit of good will and compromise, for the sole purpose of seeking mutually acceptable ways out of the deadlock on the question of delimitation. He assured all the members of the Subcommittee that there was no hidden agenda behind the idea. The Soviet Union wished that the delegations that rejected the idea, which was an easy position to take, would take on the much more difficult task of making constructive proposals.

45. In reference to the statement made by the representative of Japan, he recalled that when the new agenda item on the spin-off benefits of space technology had been adopted, the Legal Subcommittee had not considered any draft articles. It had been just an idea that had finally been approved. Likewise, when the item on nuclear power sources had been proposed, no paper or set of draft articles had been presented to the Subcommittee, yet the item had been adopted. Since that had been a Canadian initiative and Japan had supported the Canadian proposal, he was tempted to ask the Japanese representative, using the same metaphor, whether he had consulted the menu at the Canadian restaurant before sitting down to eat.

46. Mr. BOYER (France) said that there was a difference between adopting a new agenda item, which was the responsibility not of the Subcommittee but of the General Assembly, and adopting a sub-item, as the Soviet Union was proposing. In the case of a new agenda item, it was clearly impossible to consider the relevant documents before the item had been adopted. In the current case, the item had already been adopted and his delegation was prepared to consider it. Since the proposal before the Subcommittee concerned a sub-item, it involved a different line of reasoning. To quote an old saying, one should not "buy a pig in a poke". In making that comment, the French delegation did not mean to invite controversy. His delegation simply felt that it was illogical to equate the adoption of a new agenda item with the choice of a specific subject within that item, in other words, a sub-item, which did not pose the same problem.

47. Mr. KHABIROV (Union of Soviet Socialist Republics) reiterated that his delegation had in no way intended to propose any changes in the existing agenda item. Contrary to what the representative of France believed, it was not requesting the introduction of a sub-item under the agenda item in question. It was proposing that the Subcommittee should consider, in the context of the existing item, the emerging legal questions related to the future use of aerospace systems.

The meeting rose at 12.10 p.m.